UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,520	02/26/2004	Kent F. Hayes JR.	RSW920030232US1	6473

75532   7590   06/30/2010
LEE LAW, PLLC
IBM CUSTOMER NUMBER
P.O. BOX 189
PITTSBORO, NC 27312

EXAMINER
KEEHN, RICHARD G

ART UNIT	PAPER NUMBER
2456	

MAIL DATE	DELIVERY MODE
06/30/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 April 2010_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-16,18-25 and 27-32_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-16,18-25 and 27-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. **Claims 1, 3-16, 18-25 and 27-32 have been examined and are pending.**

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

4/5/2010 has been entered.

Response to Arguments

3. Applicant's arguments filed 4/5/2010 have been fully considered but they are not

persuasive.

a.   Applicant argues that the combination of cited references does not

disclose "OSGi package and service interface", but primary reference Clohessy

et al. disclose this at ¶¶ [0035 and 0038] which recite the use of OSGi bundles

including amount of RAM, the number of threads, and the number of sockets for

the associated application component and that these are service resources as

part of the open Service Gateway initiative; ¶ [0035] also recites that the RDL is

comprised of Java which is package based and provides interface components.

Figure 2A discloses that the application is run on a PDA which discloses the

application interface as well.

b.   Applicant also argues that the combination of cited references does not

disclose "automatically recursively" resolving the prerequisites, but primary

reference Clohessy et al. disclose the server's automatic recursion in resolving

prerequisites in Figure 4 which shows the recursive path used to resolve

prerequisites, 104-106-108-109-110-112-104-etc. until 114 or END. Applicant's

argument that an operator assists on the client side does not make the operation

non-automatic, since at least the server side has automatic response.

Furthermore, any computer assistance to a process renders it automatic at least

in part.

c.   Applicant's remaining arguments are based on alleged non-disclosure by

the secondary reference McGuire et al. Applicant argues that the phrase "may or

may not" is speculative and not disclosing. However, looking at the entire cited

paragraph, it is clearly indicated that the "server, **in response to** the **request,**

prepares update files **corresponding to the requested files** and **downloads**

them to the **client**. {**emphasis** added by Examiner}. There is no speculation in

this statement. Clearly the file sent is exactly the requested file because of the

phrase "corresponding to." Furthermore, "exactly" is not claimed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

4.   Claims 16, 18-25 and 27-32 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter.

d.   As to Claims 16 and 18-24, they fail to fall within a statutory category on

invention. Applicant's specification in ¶ [0036] indicates that the invention can be

realized as software alone. Therefore, these claims are directed toward software

per se, not a process occurring as a result of executing the software, a machine

programmed to operate in accordance with the software, nor a manufacture

structurally and functionally interconnected with the software in a manner which

enables the software to act as a computer component and realize its

functionality. It's also clearly not directed to a composition of matter. Therefore it

is non-statutory under 35 U.S.C. 101.

e.   As to Claims 25 and 27-32, Applicant has provided evidence that applicant

intends the invention to be embodied as a program product stored on recordable

medium. The broadest reasonable interpretation of a claim drawn to computer

readable medium typically covers forms of non-transitory tangible media and

transitory propagating signals per se. As such, the claims are drawn to a form of

energy. Energy is not one of the four categories of invention and therefore claims

25 and 27-32 are not statutory. Energy is not a series of steps and thus is not a

process. Energy is not a physical article or object and such is not a machine or

manufacture. Energy is not a combination of substances and therefore not a

composition of matter. Modifying the claim language to include "non-transitory recordable medium" will overcome the rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5.   **Claims 1, 3, 5-11, 13-16, 18, 20-23, 25, 27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0023661 A1 (Clohessy et al.), and further in view of US 6,493,871 B1 (McGuire et al.).**

As to Claims 1, 10, 16 and 25, Clohessy et al. disclose a computer-implemented method, a computer-implemented method, a computerized system for resolving prerequisites, and a program product stored on a recordable medium and executed by a computer, respectively, for client devices in an Open Service Gateway Initiative (OSGi) framework, comprising:

determining, on a server, an OSGi bundle to be loaded on a client device (Clohessy et al. discloses determining by the server, the runtime resources needed on, and to be loaded on the client device - Page 4, ¶ [0139]; ¶ [0038] recites the use of OSGi bundles) the prerequisites comprising a set of all that are necessary for utilizing the OSGi bundle (Clohessy et al. discloses determining by the server, the runtime resources needed on, and to be loaded on the client device - Page 4, ¶ [0139]; ¶¶

[0035 and 0038] recite the use of OSGi bundles including amount of RAM, the number

of threads, and the number of sockets for the associated application component and

that these are service resources as part of the open Service Gateway initiative; ¶ [0035]

also recites that the RDL is comprised of Java which is package based and provides

interface components. Figure 2A discloses that the application is run on a PDA which

discloses the application interface as well);

OSGi bundles (Clohessy et al. discloses determining by the server, the runtime

resources needed on, and to be loaded on the client device - Page 4, ¶ [0139]; ¶ [0038]

recites the use of OSGi bundles);

identifying a final set OSGi bundles on the server that fulfills the resource

limitations of the client device (Clohessy et al. discloses that the bundles needed are

identified, and not sent until the client has sufficient resources available - Page 4, ¶

[0043]); and

would not require more client device OSGi package and service interface

resources than the current OSGi package and service interface resources of the client

device (Clohessy et al. disclose determining the client resources and whether the client

has sufficient resources for the bundles - ¶ [0036]; ¶¶ [0035 and 0038] recite the use of

OSGi bundles including amount of RAM, the number of threads, and the number of

sockets for the associated application component and that these are service resources

as part of the open Service Gateway initiative; ¶ [0035] also recites that the RDL is

comprised of Java which is package based and provides interface components. Figure

2A discloses that the application is run on a PDA which discloses the application

interface as well) and

would require more client device OSGi package and service interface resources

than the current OSGi package and service interface resources of the client device

(Clohessy et al. disclose determining the client resources and whether the client has

sufficient resources for the bundles - ¶ [0036]; ¶¶ [0035 and 0038] recite the use of

OSGi bundles including amount of RAM, the number of threads, and the number of

sockets for the associated application component and that these are service resources

as part of the open Service Gateway initiative; ¶ [0035] also recites that the RDL is

comprised of Java which is package based and provides interface components. Figure

2A discloses that the application is run on a PDA which discloses the application

interface as well); and

automatically recursively resolving the prerequisites (Clohessy et al. – Figure 4

shows the recursive path used to resolve prerequisites, 104-106-108-109-110-112-104-

etc. until 114 or END; and ¶ [0038]).

Clohessy et al. do not explicitly communicating, prior to communicating any of

the {software} to the client device, a list of the prerequisites from the server to the client

device; receiving a response from the client device, wherein the response identifies any

resource limitations of the client device determined by the client device based on a

comparison of the list of the prerequisites and current resources of the client device, the

resource limitations comprising all prerequisites of the list of the prerequisites that are

not currently present on the client device; resolving, upon determining that the list of the

prerequisites that are not currently present on the client device, the prerequisites by

identifying a final set {of software to be sent to the client} on the server that fulfills the

prerequisites within the resource limitations of the client device; and substituting, upon

determining that the list of the prerequisites that are not currently present on the client

device, at least one other {software} bundle that operates within the resource limitations

of the client device for one of the {software} bundles and one of the prerequisites of the

list of the prerequisites that are not currently present on the client device. However

McGuire et al. disclose

  communicating, prior to communicating any of the {software} to the client device,

a list of the prerequisites from the server to the client device (McGuire et al. disclose

communicating the list from the server to the client – Column 4, lines 17-21);

  receiving a response from the client device, wherein the response identifies any

resource limitations of the client device determined by the client device based on a

comparison of the list of the prerequisites and current resources of the client device, the

resource limitations comprising all prerequisites of the list of the prerequisites that are

not currently present on the client device (McGuire et al. disclose the client executing

the comparison of its resources against prerequisites and sending the needed list to the

server - Column 4, lines 21-27); and

  resolving, upon determining that the list of the prerequisites that are not currently

present on the client device, the prerequisites by identifying a final set {of software to be

sent to the client} on the server that fulfills the prerequisites within the resource

limitations of the client device (Mcguire et al. disclose the server sending the necessary

files to the client based on a response from the client on resource deficiency - Column

4, lines 30-37); and

substituting, upon determining that the list of the prerequisites that are not

currently present on the client device, at least one other {software} bundle that operates

within the resource limitations of the client device for one of the {software} bundles and

one of the prerequisites of the list of the prerequisites that are not currently present on

the client device (McGuire et al. disclose the substitution of prerequisites - Column 4,

lines 32-33; and the server sending the necessary files to the client based on a

response from the client on resource deficiency - Column 4, lines 30-37); and

{CLAIM 10 ONLY}

caching information derived from the response on the server (Mcguire et al.

discloses server caching – Column 13, lines 35-38).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the process of resolving client prerequisites taught by

McGuire et al., with sending OSGi bundles from a server to a client taught by Clohessy

et al., in order to minimize the amount of data to be downloaded by downloading only

those files needed to update the client computer and that will fulfill the client's needs

(McGuire et al. – Column 4, lines 13-17 and Abstract).

As to Claim 3, the combination of Clohessy et al. and McGuire et al. discloses

the method of claim 1, further comprising loading the final set of OSGi bundles on the

client device if the prerequisites are completely resolved (Clohessy et al. – Figure 4,

elements 108 and 114 show loading the final set of OSGi bundles on the client device).

As to Claim 5, the combination of Clohessy et al. and McGuire et al. discloses

the method of claim 1, wherein the prerequisites comprise at least one item selected

from a group consisting of a service, a package and a computer resource needed by

client device (Clohessy et al. - Page 2, paragraphs 0024 and 0025 disclose the

prerequisite resources being flash memory and RAM, which are at least one item

selected from the group consisting of a service, a package and a computer resource,

i.e. computer resources).

As to Claim 6, the combination of Clohessy et al. and McGuire et al. discloses

the method of claim 1, further comprising caching information derived from the response

on the server (Mcguire et al. discloses server caching – Column 13, lines 35-38).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claim 7, the combination of Clohessy et al. and McGuire et al. discloses

the method of claim 1, wherein the method is applied in the presence of a low

bandwidth or high cost connection between the server and the client device (Clohessy

et al. – Page 1, paragraph 0002 discloses that the client device has limited system

resources which would include bandwidth related resources such as threads, sockets,

memory, RAM, etc. Paragraph 0003 further recites that the client device requires

frequent loading and unloading due to the narrow bandwidth as compared to a desktop PC).

As to Claim 8, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 1, wherein the final set of OSGi bundles include OSGi bundles that are identified from a repository accessed by the server (Clohessy et al. – Page 4, paragraphs 0042 and 0043 disclose the process of loading OSGi bundles residing on the server to the client).

As to Claim 9, the combination of Clohessy et al. and McGuire et al. discloses the method of claim 1, further comprising:

receiving the prerequisites on the client device (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27);

determining whether the client device has the prerequisites, wherein any of the prerequisites that the client device does not have represent the resource limitations (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27); and

sending the response to the server, wherein the response includes the resource limitations (McGuire et al. disclose the client executing the comparison of its resources against prerequisites and sending the needed list to the server - Column 4, lines 21-27).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claim 11, the combination of Clohessy et al. and McGuire et al. discloses

the method of claim 10, further comprising loading the final set of OSGi bundles on the

client device if the prerequisites are completely resolved (Clohessy et al. – Figure 4,

elements 108 and 114 show loading the final set of OSGi bundles on the client device).

As to Claim 13, the combination of Clohessy et al. and McGuire et al. discloses

the method of claim 10, wherein the prerequisites comprise at least one item selected

from a group consisting of a service, a package and a computer resource needed by

client device (Clohessy et al. - Page 2, paragraphs 0024 and 0025 disclose the

prerequisite resources being flash memory and RAM, which are at least one item

selected from the group consisting of a service, a package and a computer resource,

i.e. computer resources).

As to Claim 14, the combination of Clohessy et al. and McGuire et al. discloses

the method of claim 10, wherein the method is applied in the presence of a low

bandwidth or high cost connection between the server and the client device (Clohessy

et al. – Page 1, paragraph 0002 recites that the client device has limited system

resources which would include bandwidth related resources such as threads, sockets,

memory, RAM, etc. Paragraph 0003 further recites that the client device requires

frequent loading and unloading due to the narrow bandwidth as compared to a desktop

PC).

As to Claim 15, the combination of Clohessy et al. and McGuire et al. discloses
the method of claim 10, further comprising:

receiving the prerequisites on the client device (McGuire et al. disclose the client
executing the comparison of its resources against prerequisites and sending the needed
list to the server - Column 4, lines 21-27);

determining whether the client device has the prerequisites, wherein any of the
prerequisites that the client device does not have represent the resource limitations
(McGuire et al. disclose the client executing the comparison of its resources against
prerequisites and sending the needed list to the server - Column 4, lines 21-27); and

sending the response to the server, wherein the response includes the resource
limitations (McGuire et al. disclose the client executing the comparison of its resources
against prerequisites and sending the needed list to the server - Column 4, lines 21-27).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claim 18, the combination of Clohessy et al. and McGuire et al. discloses
the system of claim 16, further comprising a bundle loading system for loading the final
set of OSGi bundles on the client device if the prerequisites are completely resolved
(Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi
bundles on the client device).

As to Claim 20, the combination of Clohessy et al. and McGuire et al. discloses the system of claim 16, wherein the prerequisites comprise at least one item selected from a group consisting of a service, a package and a computer resource needed by client device (Clohessy et al. - Page 2, paragraphs 0024 and 0025 recite the prerequisite resources being flash memory and RAM, which are at least one item selected from the group consisting of a service, a package and a computer resource, i.e. computer resources).

As to Claim 21, the combination of Clohessy et al. and McGuire et al. discloses the system of claim 16, further comprising a response caching system for caching information derived from the response on the server (Mcguire et al. discloses server caching – Column 13, lines 35-38).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claim 22, the combination of Clohessy et al. and McGuire et al. discloses the system of claim 16, wherein the final set of OSGi bundles includes OSGi bundles that are identified from a repository accessed by the server (Clohessy et al. – Page 4, paragraphs 0042 and 0043 disclose the process of loading OSGi bundles residing on the server to the client).

As to Claim 23, the combination of Clohessy et al. and McGuire et al. discloses

the system of claim 16, further comprising:

an analysis system for determining whether the client has the prerequisites,

wherein any prerequisites that the client device does not have are identified as the

resource limitations (McGuire et al. disclose the client executing the comparison of its

resources against prerequisites and sending the needed list to the server - Column 4,

lines 21-27); and

a response system for sending the response from the client device to the server

(Mcguire et al. discloses the server sending the necessary files to the client based on a

response from the client on resource deficiency - Column 4, lines 30-37).

The motivation and obviousness arguments are the same as in Claim 1.

As to Claim 27, the combination of Clohessy et al. and McGuire et al. discloses

the program product of claim 25, further comprising program code for loading the final

set of OSGi bundles on the client device if the prerequisites are completely resolved

(Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi

bundles on the client device).

As to Claim 29, the combination of Clohessy et al. and McGuire et al. discloses

the program product of claim 25, wherein the prerequisites comprise at least one item

selected from a group consisting of a service, a package and a computer resource

needed by client device (Clohessy et al. - Page 2, paragraphs 0024 and 0025 recite the

prerequisite resources being flash memory and RAM, which are at least one item

selected from the group consisting of a service, a package and a computer resource,

i.e. computer resources).

As to Claim 30, the combination of Clohessy et al. and McGuire et al. discloses

the program product of claim 25, further comprising program code for caching the

information derived from the response on the server (Mcguire et al. discloses server

caching – Column 13, lines 35-38).

As to Claim 31, the combination of Clohessy et al. and McGuire et al. discloses

the program product of claim 25, wherein the final set of OSGi bundles includes OSGi

bundles that are identified from a repository accessed by the server (Clohessy et al. –

Page 4, paragraphs 0042 and 0043 recite the process of loading OSGi bundles residing

on the server to the client).

As to Claim 32, the combination of Clohessy et al. and McGuire et al. discloses

the program product of claim 25, further comprising:

program code for determining whether the client has the prerequisites, wherein

any prerequisites that the client device does not have are identified as the resource

limitations (McGuire et al. disclose the client executing the comparison of its resources

against prerequisites and sending the needed list to the server - Column 4, lines 21-27);

and

program code for sending the response from the client device to the server

Mcguire et al. discloses the server sending the necessary files to the client based on a

response from the client on resource deficiency - Column 4, lines 30-37).

The motivation and obviousness arguments are the same as in Claim 1.

6.   Claims 4, 12, 19 and 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US 2003/0023661 A1 (Clohessy et al.) as applied to claims 3, 18

and 27 above, and further in view of US 2003/0131226 A1 (Spencer et al.).

As to Claim 4, the combination of Clohessy et al. and McGuire et al. disclose the

method of claim 3, wherein the loading comprises the server instructing the client device

to load the final set of OSGi bundles (Clohessy et al. – Figure 4, elements 108 and 114

show loading the final set of OSGi bundles on the client device) .

The combination of Clohessy et al. and McGuire et al. do not disclose in a

particular order, but Spencer et al. disclose in a particular order (Spencer et al. – Page

1, paragraph 0004 discloses downloading components in a particular order).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the method of downloading in a particular order taught

by Spencer et al., with the server instructing the client device to load the final set of

OSGi bundles taught by the combination of Clohessy et al. and Mcguire et al., in order

to load components according to whether they that require the presence of others on

the user's device (Spencer et al. – Page 1, paragraph 0004).

As to Claim 12, the combination of Clohessy et al. and McGuire disclose the

method of claim 11, wherein the loading comprises the server instructing the client

device to load the final set of OSGi bundles (Clohessy et al. – Figure 4, elements 108

and 114 show loading the final set of OSGi bundles on the client device).

The combination of Clohessy et al. and McGuire et al. does not disclose in a

particular order, but Spencer et al. disclose in a particular order (Spencer et al. – Page

1, paragraph 0004 recites downloading components in a particular order).

The motivation and obviousness arguments are the same as in Claim 4.

As to Claim 19, the combination of Clohessy et al. and Mcguire et al. disclose the

system of claim 18, wherein the bundle loading system comprises an instruction

passing system for instructing the client device to load the final set of OSGi bundles

(Clohessy et al. – Figure 4, elements 108 and 114 show loading the final set of OSGi

bundles on the client device).

The combination of Clohessy et al. and McGuire et al. do not disclose in a

particular order, but Spencer et al. disclose in a particular order (Spencer et al. – Page

1, paragraph 0004 recites downloading components in a particular order).

The motivation and obviousness arguments are the same as in Claim 4.

As to Claim 28, the combination of Clohessy et al. and Mcguire et al. disclose the

program product of claim 27, wherein the program code for loading comprises program

code for instructing the client device to load the final set of OSGi bundles (Clohessy et

al. – Figure 4, elements 108 and 114 show loading the final set of OSGi bundles on the

client device).

The combination of Clohessy et al. and McGuire et al. do not disclose in a

particular order, but Spencer et al. disclose in a particular order (Spencer et al. – Page

1, paragraph 0004 recites downloading components in a particular order).

The motivation and obviousness arguments are the same as in Claim 4.

**7.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the
combination of Clohessy et al. and McGuire et al. as applied to claim 16 above,
and further in view of US 2005/0004974 A1 (Sharma et al.).**

As to Claim 24, the combination of Clohessy et al. and McGuire et al. disclose

the system of claim 16.

The combination of Clohessy et al. and McGuire et al. do not disclose wherein

the system uses SyncML DM protocol for communication between the client device and

the server, but Sharma et al. disclose wherein the system uses SyncML DM protocol for

communication between the client device and the server (Sharma et al. – Page 9,

paragraphs 0097 and 0099 recite the use of SyncML Device Management and OSGi to

communicate between client and server).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the use of SyncML Device Management taught by

Sharma et al., with the communication between client and server taught by the

combination of Clohessy et al. and Mcguire et al.

One of ordinary skill in the art at the time the invention was made would have

been motivated to explicitly support the ability to change service settings on a mobile

device and to be able to download services to it (Sharma et al. – Page 9, paragraph

0099).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. These were disclosed in a prior Office action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to RICHARD G. KEEHN whose telephone number is

(571)270-5007. The examiner can normally be reached on Monday through Thursday,

9am - 8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rupal D. Dharia/
Supervisory Patent Examiner, Art
Unit 2400

RGK